

AN ACT in relation to the regulation of professions.

Be it enacted by the People of the State of Illinois,
represented in the General Assembly:

Section 5. The Massage Licensing Act is amended by
changing Sections 10, 15, 20, 35, 55, 90, and 160 as follows:

(225 ILCS 57/10)

(Section scheduled to be repealed on January 1, 2012)

Sec. 10. Definitions. As used in this Act:

"Approved massage school" means a facility which meets
minimum standards for training and curriculum as determined
by the Department.

"Board" means the Massage Licensing Therapy Board
appointed by the Director.

"Compensation" means the payment, loan, advance,
donation, contribution, deposit, or gift of money or anything
of value.

"Department" means the Department of Professional
Regulation.

"Director" means the Director of Professional Regulation.

"Massage" or "massage therapy" means a system of
structured palpation or movement of the soft tissue of the
body. The system may include, but is not limited to,
techniques such as effleurage or stroking and gliding,
petrissage or kneading, tapotement or percussion, friction,
vibration, compression, and stretching activities as they
pertain to massage therapy. These techniques may be applied
by a licensed massage therapist with or without the aid of
lubricants, salt or herbal preparations, hydromassage,
thermal massage, or a massage device that mimics or enhances
the actions possible by human hands. The purpose of the
practice of massage, as licensed under this Act, is to

enhance the general health and well-being of the mind and body of the recipient. "Massage" does not include the diagnosis of a specific pathology. "Massage" does not include those acts of physical therapy or therapeutic or corrective measures that are outside the scope of massage therapy practice as defined in this Section.

"Massage therapist" means a person who is licensed by the Department and administers massage for compensation.

"Professional massage or bodywork therapy association" means a state or nationally chartered organization that is devoted to the massage specialty and therapeutic approach and meets the following requirements:

(1) The organization requires that its members meet minimum educational requirements. The educational requirements must include anatomy, physiology, hygiene, sanitation, ethics, technical theory, and application of techniques.

(2) The organization has an established code of ethics and has procedures for the suspension and revocation of membership of persons violating the code of ethics.

(Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/15)

(Section scheduled to be repealed on January 1, 2012)

Sec. 15. Licensure requirements. Beginning January 1, 2005 ~~2004~~, persons engaged in massage for compensation must be licensed by the Department. The Department shall issue a license to an individual who meets all of the following requirements:

(1) The applicant has applied in writing on the prescribed forms and has paid the required fees.

(2) The applicant is at least 18 years of age and of good moral character. In determining good moral

character, the Department may take into consideration conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor or any crime that is directly related to the practice of the profession. Such a conviction shall not operate automatically as a complete bar to a license, except in the case of any conviction for prostitution, rape, or sexual misconduct, or where the applicant is a registered sex offender.

(3) The applicant has met one of the following requirements:

(A) has successfully completed the curriculum or curriculums of one or more massage therapy schools approved by the Department that require a minimum of 500 hours and has passed a competency examination approved by the Department;

(B) holds a current license from another jurisdiction having licensure requirements that meet or exceed those defined within this Act; or

(C) has moved to Illinois from a jurisdiction with no licensure requirement and has provided documentation that he or she has successfully passed the National Certification Board of Therapeutic Massage and Bodywork's examination or another massage therapist certifying examination approved by the Department and maintains current certification.

(Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/20)

(Section scheduled to be repealed on January 1, 2012)

Sec. 20. Grandfathering provision.

(a) For a period of one year after the effective date of the rules adopted under this Act, the Department may issue a license to an individual who, in addition to meeting the

requirements set forth in paragraphs (1) and (2) of Section 15, produces proof that he or she has met at least one of the following requirements before the effective date of this Act:

(1) has been an active member, for a period of at least one year prior to the application for licensure, of a national professional massage therapy organization established prior to the year 2000, which offers professional liability insurance and a code of ethics;

(2) has passed the National Certification Exam of Therapeutic Massage and Bodywork and has kept his or her certification current;

(3) has practiced massage therapy an average of at least 10 hours per week for at least 10 years; or

(4) has practiced massage therapy an average of at least 10 hours per week for at least one year prior to the effective date of this Act and has completed at least 100 hours of formal training in massage therapy.

(b) An applicant who can show proof of having engaged in the practice of massage therapy for at least 10 hours per week for a minimum of one year prior to the effective date of this Act and has less than 100 hours of formal training or has been practicing for less than one year with 100 hours of formal training must complete at least 100 additional hours of formal training consisting of at least 25 hours in anatomy and physiology by January 1, 2005 2004.

(c) An applicant who has training from another state or country may qualify for a license under subsection (a) by showing proof of meeting the requirements of that state or country and demonstrating that those requirements are substantially the same as the requirements in this Section.

(d) For purposes of this Section, "formal training" means a massage therapy curriculum approved by the Illinois State Board of Education or the Illinois Board of Higher Education or course work provided by continuing education sponsors

approved by the Department.

(Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/35)

(Section scheduled to be repealed on January 1, 2012)

Sec. 35. Massage Licensing Board.

(a) The Director shall appoint a Massage Licensing Board, which shall serve in an advisory capacity to the Director. The Board shall consist of 7 members, of whom 6 shall be massage therapists with at least 3 years of experience in massage. One of the massage therapist members shall represent a massage therapy school from the private sector and one of the massage therapist members shall represent a massage therapy school from the public sector. One member of the Board shall be a member of the public who is not licensed under this Act or a similar Act in Illinois or another jurisdiction. Membership on the Board shall reasonably reflect the various massage therapy and non-exempt bodywork organizations. Membership on the Board shall reasonably reflect the geographic areas of the State.

(b) Members shall be appointed to a 3-year term, except that initial appointees shall serve the following terms: 2 members ~~including-the-non-voting-member~~ shall serve for one year, 2 members shall serve for 2 years, and 3 members shall serve for 3 years. A member whose term has expired shall continue to serve until his or her successor is appointed. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to exceed 9 years. Appointments to fill vacancies shall be made in the same manner as the original appointments for the unexpired portion of the vacated term.

(c) The members of the Board are entitled to receive compensation for all legitimate and necessary expenses incurred while attending Board and Department meetings.

(d) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(e) The Director shall consider the recommendations of the Board on questions involving the standards of professional conduct, discipline, and qualifications of candidates and licensees under this Act. Nothing shall limit the ability of the Board to provide recommendations to the Director in regard to any matter affecting the administration of this Act. The Director shall give due consideration to all recommendations of the Board. If the Director takes action contrary to a recommendation of the Board, the Director shall provide a written explanation of that action.

(f) The Director may terminate the appointment of any member for cause which, in the opinion of the Director reasonably justifies termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

(Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/55)

(Section scheduled to be repealed on January 1, 2012)

Sec. 55. Exclusive jurisdiction. Beginning January 1, 2005 2004, the regulation and licensing of massage therapy is an exclusive power and function of the State. Beginning January 1, 2005 2004, a home rule unit may not regulate or license massage therapists. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/90)

(Section scheduled to be repealed on January 1, 2012)

Sec. 90. Violations; injunction; cease and desist

order.

(a) If any person violates a provision of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney in the county in which the offense occurs, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If, after January 1, 2005 2004, any person practices as a massage therapist or holds himself or herself out as a massage therapist without being licensed under the provisions of this Act, then the Director, any licensed massage therapist, any interested party, or any person injured thereby may petition for relief as provided in subsection (a) of this Section or may apply to the circuit court of the county in which the violation or some part thereof occurred, or in which the person complained of has his or her principal place of business or resides, to prevent the violation. The court has jurisdiction to enforce obedience by injunction or by other process restricting the person complained of from further violation and enjoining upon him or her obedience.

(c) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer

to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

(Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/160)

(Section scheduled to be repealed on January 1, 2012)

Sec. 160. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily

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burdensome.

(Source: P.A. 92-860, eff. 6-1-03.)

Section 99. Effective date. This Act takes effect on
June 1, 2003.